

1 IVETTE ZAMORA (State Bar No. 286243)
iz@severson.com

2 SEVERSON & WERSON
A Professional Corporation
3 The Atrium
19100 Von Karman Avenue, Suite 700
4 Irvine, California 92612
Telephone: (949) 442-7110
5 Facsimile: (949) 442-7118

6 MARK D. LONERGAN (State Bar No. 143622)
mdl@severson.com

7 REBECCA S. SAE LAO (State Bar No. 222731)
rss@severson.com
8 SEVERSON & WERSON
A Professional Corporation
9 One Embarcadero Center, Suite 2600
San Francisco, California 94111
10 Telephone: (415) 398-3344
Facsimile: (415) 956-0439

11 Attorneys for Defendant
12 WELLS FARGO BANK, N.A.

13 **UNITED STATES DISTRICT COURT**

14 **CENTRAL DISTRICT OF CALIFORNIA — WESTERN DIVISION**

15 ANNETTE GRIND,

Case No. 2:17-cv-01267

16 Plaintiff,

[Formerly Ventura Superior Court of
California Case No. 56-2017-00491460-
CL-NP-VTA]

17 vs.

18 WELLS FARGO BANK, NATIONAL
ASSOCIATION, and DOES 1 – 10
19 inclusive,

**NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §§ 1441
AND 1331**

20 Defendants.

21
22 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR**
23 **THE CENTRAL DISTRICT OF CALIFORNIA AND ALL PARTIES AND**
24 **THEIR ATTORNEYS OF RECORD:**

25 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446,
26 Defendant Wells Fargo Bank, N.A. (“Wells Fargo”) hereby removes the
27 above-captioned action from the Superior Court of the State of California, in the
28 County of Ventura, to the United States District Court for the Central District of

1 California, Western Division. Wells Fargo alleges that it is entitled to removal
 2 pursuant to 28 U.S.C. § 1331, based upon federal question jurisdiction, as follows:

3 1. Wells Fargo is named in the Complaint filed on January 10, 2017, by
 4 Plaintiff Annette Grind (“Plaintiff”) in the Superior Court of the State of California,
 5 in the County of Ventura, Case No. 56-2017-00491460-CL-NP-VTA, entitled
 6 *Annette Grind v. Wells Fargo Bank, National Association* (the “State Court
 7 Action”).

8 2. Wells Fargo has not yet filed an answer or otherwise responded to
 9 Plaintiff’s Complaint in the State Court Action.

10 3. This notice of removal is timely under 28 U.S.C. § 1446(b) and Federal
 11 Rule of Civil Procedure, Rule 6(a) because it was filed within 30 days of the service
 12 on Wells Fargo of a copy of the Complaint on January 17, 2017.

13 4. Removal to the United States District Court for the Central District of
 14 California, Western Division, is proper because this is the district and division
 15 which embraces the county in which Plaintiff filed the State Court Action. 28
 16 U.S.C. § 1441(a).

17 5. This action is a civil action of which this Court has original jurisdiction
 18 under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to
 19 the provisions of 28 U.S.C. § 1441 because it arises under the following federal
 20 statute: (1) the Telephone Consumer Protection Act, 47 U.S.C. §§ 227 *et seq.* See,
 21 *e.g.*, FAC ¶¶ 3, 20, 24–29; *Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740,
 22 753 (2012).

23 6. This Court has supplemental jurisdiction over all other claims asserted
 24 by Plaintiff pursuant to 28 U.S.C. § 1337(a) and 28 U.S.C. § 1441(c).

25 7. As required by 28 U.S.C. § 1446(d), Wells Fargo will provide written
 26 notice of the removal of this action to Plaintiff, and to the Ventura County Superior
 27 Court.

8. Pursuant to 28 U.S.C. § 1446(a), attached as Exhibit A are accurate copies of all papers received as of January 17, 2017.

WHEREFORE, Wells Fargo prays that the State Court Action be removed from state court to this Court and that this Court assume jurisdiction over the action and determine it on the merits.

By: /s/ Ivette Zamora
Ivette Zamora

Attorneys for Defendant WELLS FARGO
BANK, N.A.